

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

Patent Application

Inventor(s):	Wellen, Jeroen Siebrand	Serial No.:	10/808,683
Case:	Wellen 6 (ALU/126313)	Filed:	03/25/2004
Examiner:	Pascal, Leslie C	Group Art Unit:	2613

Confirmation #: 6204

Title: METHOD, APPARATUS AND SYSTEM FOR THE
COMMUNICATION OF SERVICES IN AN OPTICAL ACCESS
NETWORK

**MAIL STOP AMENDMENT
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450**

STATEMENT OF SUBSTANCE OF INTERVIEW

SIR:

Please reconsider the above-identified patent application as follows.

In the event that an extension of time is required for this response to be considered timely, and a petition therefor does not otherwise accompany this response, any necessary extension of time is hereby petitioned for.

Applicants do not believe that any fee is due in connection with this response. In the event Applicants are incorrect, the Commissioner is authorized to charge any fees due, including extension of time and excess claim fees, to counsel's Deposit Account No. 50-4802/LCNT/126313.

REMARKS

Claims 1, 3, 4, 6-9, 11 and 13-20 are pending in the application, with claims 1, 8, 16 and 18 being independent. Claims 8-9, 11 and 13-17 are allowed.

Claims 6-7 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1 and 3-4 and 18-19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Barber in view of Tomonobu. Claims 1 and 3-14 and 18-19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tomonobu.

This communication is intended as a statement of the substance of a telephonic interview, held on October 14, 2009, between Examiner Leslie Pascal, from the USPTO and Eamon Wall together with Emmanuel Coffy, representatives of the Applicants.

Interview Summary

Applicants' representatives wish to thank the Examiner for the courtesies extended during the interview and for facilitating same.

During the interview, Examiner Leslie Pascal and Applicants' representatives agreed that claim 1 is not obvious in view of Tomonobu. This agreement is predicated upon the arguments presented by Applicants' representatives. Specifically, both upstream and downstream paths in Tomonobu are active. As a matter of fact, 11a3 in the various figures of Tomonobu is an active element; namely, an electro-optical wavelength shifter. Accordingly, Tomonobu fails to teach or fairly suggests "a passive all-optical downstream path" and "an active optical upstream path" as recited in claim 1.


CONCLUSION

In light of the Response submitted on October 14, 2009, the Applicants submit that none of the claims presently in the application are obvious under the respective provisions of 35 U.S.C. §103.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Emmanuel Coffy at (732) 842-8110 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 10/23/09



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